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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HELEN MOJTEHEDI, an individual,

Plaintiff,

v.

CHRISTIAN DURANTE d/b/a and a/k/a  
DURANTE INSURANCE and FINANCIAL  
SERVICES also d/b/a and a/k/a DURANTE  
AGENCY; DOES 1 through 10 and ROE  
Corporations 11 through 20,

Defendants.

Case No. 2:23-cv-00402-JCM-DJA

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**(Fourth Request)**

Under Rule 29(b) Federal Rules of Civil Procedure (“FRCP”) and LR 26-3, Helen Mojtehededi (“Plaintiff”) and Christian Durante (“Defendant” and jointly with Plaintiff, the “Parties”), by and through their counsel of record, hereby submit this Stipulation and Order to Extend Discovery Deadlines (Fourth Request).

IT IS STIPULATED AND AGREED between the Parties to extend the discovery deadlines set by the current scheduling order [ECF 49] by 90 days to allow Defendant’s new lead counsel, Eric Hone, additional time to transition into the case and for the Parties to try to settle this matter.

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**I. DISCOVERY COMPLETED TO DATE**

**A. FRCP 26(a)(1) Initial Disclosures**

Plaintiff has produced 418 pages of documents and disclosed 21 individuals likely to have discoverable information. Plaintiff produced her initial disclosure on May 5, 2023, and supplemented her disclosures 6 times on: May 18, 2023; June 2, 2023; July 13, 2023; September 11, 2023; January 28, 2024; and January 31, 2024.

Defendant has produced 656 pages of documents and disclosed 7 individuals likely to have discoverable information. Defendant produced his initial disclosure on May 1, 2023, and supplemented his disclosures 6 times on: May 24, 2023; June 20, 2023; June 29, 2023; September 13, 2023; January 18, 2024; January 19, 2024, and April 25, 2024.

**B. Written Discovery Requests**

**1. Requests for Production (“RFPs”)**

- a. Plaintiff served her first set of RFPs (requests #1-26) on March 15, 2023. Defendant served his responses on May 1, 2023 and supplemented his responses on June 29, 2023.
- b. Plaintiff served her second set of RFPs (requests #27-35) on May 18, 2023. Defendant served his response on June 20, 2023 and supplemented his responses on June 29, 2023.
- c. Defendant served his first set of RFPs (requests #1-32) on May 3, 2023. Plaintiff served her responses on July 2, 2023.
- d. Defendant served his second set of RFPs (requests #33-35) on June 6, 2023. Plaintiff served her response on July 6, 2023.
- e. Defendant served his third set of RFPs (requests # 36-40) on August 11, 2023. Plaintiff served her response on September 11, 2023.

**2. Requests for Admission (“RFAs”)**

- a. Plaintiff served her first set of RFAs (requests #1-40) on May 18, 2023. Defendant served his responses on June 20, 2023 and supplemented his responses on June 29, 2023.



- 1 b. Defendant served his first set of RFAs (requests #1-11) on August 11, 2023.  
2 Plaintiff served her responses on September 11, 2023.

3 **3. Interrogatories (“ROGs”)**

- 4 a. Plaintiff served her first set of ROGs (interrogatories #1-20) on May 18, 2023.  
5 Defendant served his objections on June 20, 2023.<sup>1</sup>  
6 b. Defendant served his first set of ROGs (interrogatories #1-19) on May 3,  
7 2023. Plaintiff served her responses on July 2, 2023.  
8 c. Defendant served his second set of ROGs (interrogatories #20-2) on June 6,  
9 2023. Plaintiff served her responses on July 6, 2023.  
10 d. Plaintiff supplemented her responses to interrogatories #1, 4, 5, 6, 11, 13, 20  
11 and 21 on December 4, 2023.

12 **C. Third-Party Subpoenas Duces Tecum (“SDT”) for Documents**

13 The Parties have issued subpoenas duces tecum to 8 non-parties:

- 14 a. On December 22, 2023, Defendant served a Notice of Intent to Serve a  
15 Subpoena on College of Southern Nevada (“CSN”); Nevada Department of  
16 Employment, Training & Rehabilitation (“DETR”); CoWorx Staffing  
17 Services, LLC (“CoWorx”); Westwind School of Aeronautics, Phoenix LLC  
18 aka United Aviate Academy (“UAA”); Dr. Mehrdad Tafreshi (“Tafreshi”);  
19 and Raquel Campell, MFT (“Campbell”). Plaintiff did not object.  
20 a. The CSN SDT was served on January 2, 2024. CSN responded to the  
21 subpoena and the documents were produced in Defendant’s 5th  
22 Supplement to his initial disclosures on January 18, 2024.  
23 b. The DETR SDT was served on January 5, 2024. DETR responded to  
24 the subpoena and the documents were produced in Defendant’s 6th  
25 Supplement to his initial disclosures on January 19, 2024.

26  
27 <sup>1</sup> Defendant maintains that Plaintiff’s ROGs contain discreet subparts and therefore constitute more  
28 than 20 interrogatories. Plaintiff and Defendant, if this matter does not resolve, will meet and confer on  
such interrogatory responses as Defendant has only objected to such Interrogatories and not provided any  
responses at this time.



- 1 c. The UAA SDT was served on December 27, 2023. UAA responded to  
2 the subpoena and the documents were produced in Defendant's 5th  
3 Supplement to his initial disclosures on January 18, 2024.
- 4 d. The Tafreshi SDT was served on January 4, 2024. Tafreshi responded  
5 to the subpoena and the documents were produced in Defendant's 5th  
6 Supplement to his initial disclosures on January 18, 2024.
- 7 e. The Campbell SDT was served on December 27, 2023. Campbell  
8 responded to the subpoena and the documents were produced in  
9 Defendant's 5th Supplement to his initial disclosures on January 18,  
10 2024.
- 11 f. The CoWorx SDT was served on December 26, 2023. CoWorx has not  
12 responded to the SDT.

13 b. On December 26, 2023, Plaintiff served a Notice of Intent to Serve a  
14 Subpoena on Heartland Payroll Solutions, Inc. ("Heartland") and MBE  
15 Capital Partners LLC ("MBE"). Defendant did not object.

- 16 a. The Heartland SDT was served on February 7, 2024. Heartland responded  
17 to the subpoena and the documents were produced in Plaintiff's Seventh  
18 Supplement to her initial disclosures on April 25, 2024.
- 19 b. The MBE SDT was served on February 7, 2024. MBE has not responded  
20 to the subpoena. The CEO is in prison and MBE appears "permanently  
21 closed."

22 Plaintiff also signed an authorization to allow Defendant to obtain her income tax returns.  
23 The request was sent to the IRS on December 27, 2023. To date, no documents have been  
24 received.

25 **D. Depositions**

26 Defendant deposed Plaintiff on January 29, 2024.

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1 The Parties had scheduled five additional depositions for the week of February 5-9, 2024.  
 2 However, due to Ms. Garcia's death, those deposition dates were vacated and rescheduled as  
 3 follows:

- 4 1. Defendant has re-noticed the deposition of Raquel Campbell for May 6, 2024;
- 5 2. Plaintiff has re-noticed the deposition of Yvonne Duran for May 2, 2024;
- 6 3. Plaintiff has re-noticed the deposition of Ching Vogl for May 7, 2024;
- 7 4. Plaintiff has re-noticed the deposition of Suzanne Durante for May 8, 2024;
- 8 and
- 9 5. Plaintiff has re-noticed the deposition of Christian Durante for May 9, 2024.

#### 10 **E. FRCP 26(a)(2) Expert Disclosures**

11 Plaintiff has disclosed Raquel Campbell, MS LMFT ("Campbell"), a former medical provider of  
 12 Plaintiff, under FRCP 26. Plaintiff maintains that Campbell was disclosed as a non-retained expert.  
 13 Defendant disputes that Campbell was disclosed as an expert witness.

### 14 **II. DISCOVERY THAT REMAINS TO BE COMPLETED**

- 15 1. The Parties will supplement their initial disclosures under the rules.
- 16 2. The Parties will produce documents received from third parties in response to  
 17 their subpoena duces tecum and Defendant's request for Plaintiff's tax returns to the IRS.
- 18 3. The Parties may supplement and/or amend their responses to written discovery  
 19 requests with any new or different information.
- 20 4. The Parties have agreed to reschedule the remaining five depositions as follows:
  - 21 a. The deposition of Yvonne Duran will be taken at 10:00 a.m. on June 25, 2024;
  - 22 b. Plaintiff has re-noticed the deposition of Ching Vogl will be taken at 10:00  
 23 a.m. on June 27, 2024;
  - 24 c. Plaintiff has re-noticed the deposition of Suzanne Durante will be taken at  
 25 10:00 a.m. on June 28, 2024;
  - 26 d. Plaintiff has re-noticed the deposition of Christian Durante for will be taken at  
 27 10:00 a.m. on July 1, 2024; and



1 e. It is expected that Defendant will want to take the deposition of Dr. Raquel  
2 Campbell between July 8, 2024 and August 7, 2024.

3 The Parties have planned additional time before the deposition of Raquel Campbell  
4 because they are working to resolve a dispute related to the deposition but anticipate that they  
5 may require judicial guidance. Therefore, the Parties have built in time to allow for motion  
6 practice on that issue, if needed, without further extending discovery.

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8 **III. REASONS WHY DISCOVERY CANNOT BE COMPLETED UNDER THE  
CURRENT SCHEDULING ORDER**

9 Jill Garcia was Defendant's lead counsel and unexpectedly passed away in February of  
10 this year. Shortly thereafter, the Court ordered a 90-day extension of discovery. [ECF 49.]  
11 During that time, Hone Law has undertaken assess all of Ms. Garcia's cases, conferred with her  
12 clients, and determined how best to restaff each matter. As Ms. Garcia was the lead attorney for  
13 more than 40 open matters, this process has required a significant amount of time and effort  
14 from all of the attorneys and staff at Hone Law.

15 Eric Hone has taken over as lead counsel for all of Ms. Garcia's matters and added her  
16 cases to his existing caseload. While he has been working diligently to become familiar with the  
17 facts, legal issues, and strategy for each of Ms. Garcia's cases, he requires additional time to  
18 learn all of the information necessary to effectively manage this case and advise Defendant.

19 Additionally, recent discussions between the counsel have shown that the Parties are  
20 committed to settling this matter and request that the extension include sufficient time for them  
21 to pursue that avenue before incurring the expenses related to depositions or discovery disputes.  
22 Counsel for both Parties feel that incurring those costs would negatively affect the Parties'  
23 potential for settlement. Counsel believe that continuing and engaging in good faith discussions  
24 with the end goal of finalizing this matter is beneficial to everyone.

25 Extending discovery for an additional 90 days, will allow the Parties to pursue settlement  
26 in earnest without taking on the additional costs associated with the depositions or expending  
27 further resources relating to their dispute over issues relating to the deposition of Raquel

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Campbell. If the Parties are unable to settle the case, the extension will allow Defendant's new lead counsel to become fully informed before moving the case forward.

#### IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

	Current Deadline	Proposed Deadline
Last Day to Add Parties and Amend Pleadings ( <i>see</i> ECF 27)	June 13, 2023	No Change
Last day to serve Initial Expert Disclosures ( <i>see</i> ECF 27)	July 13, 2023	No Change
Last day to serve Rebuttal Expert Disclosures ( <i>see</i> ECF 27)	August 14, 2023	No Change
Last Day to Complete Discovery except as otherwise specified ( <i>see</i> ECF 49)	May 9, 2024	<b>August 7, 2024</b>
Last day to file Dispositive Motions ( <i>see</i> ECF 49)	June 10, 2024	<b>September 9, 2024<sup>2</sup></b>
Last Day to file the Joint Pretrial Order ( <i>see</i> ECF 49)	July 10, 2024, or 30 days after resolution of dispositive motions	<b>October 8, 2024, or 30 days after resolution of dispositive motions</b>

IT IS SO ORDERED.

  
DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

Dated this 2nd day of May 2024.

DATED: May 3, 2024

HONE LAW

GABROY MESSER

/s/Kelly B. Stout

/s/Christian Gabroy

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<sup>2</sup> Monday, September 9, 2024 is 91 days after the current deadline of June 10, 2024, because the 90<sup>th</sup> day falls on a Sunday.



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